

MDR Tracking Number: M5-04-1011-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305 titled Medical Dispute Resolution - General and 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent. The dispute was received on 12-09-03.

The Medical Review Division has reviewed the IRO decision and determined that **the requestor prevailed** on the issues of medical necessity. Therefore, upon receipt of this Order and in accordance with §133.308(r)(9), the Commission hereby orders the respondent and non-prevailing party to **refund the requestor \$650.00** the paid IRO fee. For the purposes of determining compliance with the order, the Commission will add 20 days to the date the order was deemed received as outlined on page one of this order.

In accordance with §413.031(e), it is a defense for the carrier if the carrier timely complies with the IRO decision.

Based on review of the disputed issues within the request, the Medical Review Division has determined that **medical necessity was the only issue** to be resolved. The myofascial release, therapeutic exercises and neuromuscular re-education were found to be medically necessary. The respondent raised no other reasons for denying reimbursement for the above listed services.

On this basis, and pursuant to §§402.042, 413.016, 413.031, and 413.019 of the Act, the Medical Review Division hereby ORDERS the respondent to pay the unpaid medical fees in accordance with the fair and reasonable rate as set forth in Commission Rule 133.1(a)(8) plus all accrued interest due at the time of payment to the requestor within 20 days of receipt of this order. This Order is applicable to dates of service 04-14-03 through 04-23-03 in this dispute.

The respondent is prohibited from asserting additional denial reasons relative to this Decision upon issuing payment to the requestor in accordance with this Order (Rule 133.307(j)(2)).

This Order is hereby issued this 23rd day of February 2004.

Debra L. Hewitt
Medical Dispute Resolution Officer
Medical Review Division
DLH/dlh

February 20, 2004

Rosalinda Lopez
Texas Workers' Compensation Commission
Medical Dispute Resolution
Fax: (512) 804-4868

REVISED REPORT
Revision to Disputed Services

Re: MDR #: M5-04-1011-01
IRO Certificate No.: IRO 5055

___ has performed an independent review of the medical records of the above-named case to determine medical necessity. In performing this review, ___ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

I am the Secretary and General Counsel of ___ and I certify that the reviewing healthcare professional in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this case for determination prior to referral to the Independent Review Organization.

The independent review was performed by a matched peer with the treating health care provider. This case was reviewed by a physician who is Board Certified in Pain Management.

REVIEWER'S REPORT

Information Provided for Review:

Correspondence
H&P and office notes
Physical Therapy notes

Clinical History:

The claimant in this case underwent revision decompression at L5-S1 with discectomy at L4-L5 and L4-S1 fusion on 12/16/02 following a work-related injury on ___. A lengthy rehabilitation course was predicted by the treating physician. That therapy was commenced, and after a period of interruption during that course, reevaluation was scheduled and conducted along with progressing therapy measures.

Disputed Services:

Myofascial release, therapeutic exercises, and neuromuscular re-education during the period of 04/14/03 thru 04/23/03.

Decision:

The reviewer disagrees with the determination of the insurance carrier and is of the opinion that the treatment and services in dispute as stated above were medically necessary in this case.

Rationale:

In the letter of February 6, 2003, the treating physician predicted a very lengthy course of rehabilitation for this claimant. At that time, it was suggested that physical therapy followed by work hardening or a conditioning program would be accomplished. The treating physician also pointed out that the claimant had had substantial pain problems and had developed a state of extreme deconditioning. The dispute for services provided falls well within the time frame predicted by the treating physician. It is not unusual to expect a lengthy recovery period where considerable nerve root compromise has been addressed. Issues concerning pain, strength, and range of motion cannot be held to definitive timelines

Sincerely,